

**SUPREME COURT MINUTES  
WEDNESDAY, SEPTEMBER 28, 2005  
SAN FRANCISCO, CALIFORNIA**

**S136690**

F045816 Fifth Appellate District

TRB INVESTMENTS v. FIREMANS FUND

Petition for review granted

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Moreno, JJ.

**S126233**

C038245 Third Appellate District

PEOPLE v. WARNER

Issues ordered limited

The issue to be briefed and argued is hereby limited to the following: Does defendant's prior conviction of sexual assault of a child under Nebraska Revised Statutes, section 28-320.01 qualify as a serious felony for sentencing purposes in California as a "lewd and lascivious act on a child under the age of 14 years" within the meaning of Penal Code section 1192.7, subdivision (c)(6), for purposes of Penal Code sections 667, subdivision (a), 667, subdivisions (b) through (i), and 1170.12, subd. (b)(2), even though Penal Code sections 667, subdivision (a), 667, subdivision (d)(2), and 1170.12, subdivision (b)(2), require that a prior felony conviction from another jurisdiction include "all of the elements" of a California serious felony and even though the Nebraska statute does not require that the perpetrator have acted with the specific "intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child" (Pen. Code, § 288, subd. (a))?

No other issue is to be briefed or argued. This order supersedes our prior order specifying the issues dated September 15, 2004.

The parties are hereby directed to file supplemental briefs addressing the issue specified herein. Petitioner shall file a supplemental opening brief no later than 30 days after the date of this order. Respondent shall file a supplemental answer brief no later than 30 days after appellant files his supplemental opening brief. Petitioner may file a supplemental reply brief no later than 20 days after respondent files his supplemental

answer brief. All briefs shall comply with the length requirements of rule 29.1 of the California Rules of Court. No extensions of time are contemplated.

**S135587**

B158840 Second Appellate District,  
Division Eight

CONSUMER ADVOCACY GROUP v. KINTETSU  
ENTERPRISES OF AMERICA

Review granted/briefing deferred (rule 29.1) - civil case

Petitions for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Disability Rights v. Mervyns, LLC*, S131798 and *Branick v. Downey Servings & Loan Association*, S132422 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Kennard, Baxter and Chin, JJ., were recused and did not participate.

Votes: George, C.J., Werdegarr, Moreno, and Croskey\*, JJ.

\*Hon. H. Walter Croskey, Associate Justice of the Court of Appeal, Second Appellate District, Division Three, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**S135646**

D044138 Fourth Appellate District,  
Division One

PEOPLE v. ANZALONE

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Smith*, S123074 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S135805**E035174 Fourth Appellate District,  
Division Two

PEOPLE v. WAHLERT

Review granted/briefing deferred (rule 29.1)

Review of the Court of Appeal decision in this matter is granted on the court's own motion.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Cage*, S127344 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Petitions for review denied.

Votes: George, C.J., Baxter, Werdegarr, Chin, and Moreno, JJ.

**S135381**

ALFORD (RICKEY LOUIS) ON H.C.

OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show cause, before the Los Angeles County Superior Court, when the matter is placed on calendar: (1) why, in light of the Attorney General's concession that the trial court's 1997 amendment violated petitioner's Fourteenth Amendment due process rights (see inf. opp. at p. 4), the trial court should not vacate its May 30, 1997 order deleting 1423 days of presentence custody credits in case number MA005248, (2) whether the initial sentence imposed by the court in MA005248 on June 5, 1995, of 6 years "to run consecutively to any time now serving," plus 1423 days of presentence credit (949 actual/474 conduct), was lawful in light of petitioner's sentence in Los Angeles County Superior Court case number GA015011 (see pet.'s ex. 4; see also Pen. Code, § 2900.5, subd. (b); *In re Rojas* (1979) 23 Cal.3d 152, 156); and (3) whether, in the event the trial court finds the custody credits were unauthorized and amends the sentence to delete any unlawful provision, petitioner should be permitted to withdraw his plea in case number MA005248. (See *In re Williams* (2000))

83 Cal.App.4th 936, 946.) The return is to be filed on or before October 28, 2005.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

**S135779**

E037241 Fourth Appellate District,  
Division Two

**MYERS (DERRICK TYRONE) ON H.C.**

Review granted; transferred to CA 4/2 to issue OSC

The matter is transferred to the Fourth Appellate District, Division Two. That court is ordered to vacate that portion of its June 15, 2005 opinion which summarily denied the petition for writ of habeas corpus in E037241, and is further ordered to issue an order to show cause, returnable before the San Bernardino County Superior Court. The Director of Corrections is to be ordered to show cause, when the matter is placed on calendar, why trial counsel was not ineffective in advising petitioner to enter a guilty plea to the charge of robbery in light of the lack of evidence to support the robbery charge, and why petitioner should not be allowed to withdraw his guilty plea to robbery. (See, *Hill v. Lockhart* (1985) 474 U.S. 52, 59; *In re Resendiz* (2001) 25 Cal.4th 230, 253-254. *People v. Cooper* (1991) 53 Cal.3d 1158, 1161; *Miller v. Superior Court* (2004) 115 Cal.App.4th 216, 224.) The return is to be filed on or before October 28, 2005.

Votes: George, C.J., Kennard, Baxter, and Chin, JJ.

**S116445**

B154544 Second Appellate District,  
B160827 Division Three

**PEOPLE v. SPRADLEY**

Transferred to CA 2/3 after hold

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Three, with directions to vacate its decision and to reconsider the cause in light of *People v. Mosby* (2004) 33 Cal.4th 353. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

**S116992**

B156613 Second Appellate District,  
Division Three

**BUSTAMONTE v. FLORES**

Dismissed per rule 29.3(b), and remanded to CA 2/3

In light of the decision in *Fitch v. Select Products Co.* (2005) 36 Cal.4th 812, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S117313**

C039117 Third Appellate District

**PEOPLE v. MOSS**

Transferred to CA 3 after hold

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and to reconsider the cause in light of *People v. Barker* (2004) 35 Cal.4th 345 and *People v. Sorden* (2005) 36 Cal.4th 65. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S119259**

H024323 Sixth Appellate District

**PEOPLE v. MIRAMONTES**

Transferred to CA 6 after hold

The above-entitled matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and to reconsider the cause in light of *Warrick v. Superior Court* (2005) 35 Cal.4th 1011. (Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter, Werdegarr, Chin, and Moreno, JJ.

**S120014**

A097996 First Appellate District,  
Division Four

**PEOPLE v. RIDER**

Transferred to CA 1/4 after hold

The above-entitled matter is transferred to the Court of Appeal, First Appellate District, Division Four, with directions to vacate its decision and to reconsider the cause in light of

*People v. Barker* (2004) 35 Cal.4th 345 and  
*People v. Sorden* (2005) 36 Cal.4th 65. (Cal.  
Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Moreno, JJ.

**S120424**

H024797 Sixth Appellate District

## PEOPLE v. APODACA

Dismissed per rule 29.3(b), and remanded to CA 6

In light of the decisions in *People v. Barker*  
(2004) 35 Cal.4th 345 and *People v. Sorden*  
(2005) 36 Cal.4th 65, review in the above-  
entitled matter is dismissed. (Cal. Rules of  
Court, rule 29.3(b).)

Votes: George, C.J., Kennard, Baxter, Chin,  
and Moreno, JJ.

**S122031**

C041257 Third Appellate District

## PEOPLE v. ALEXANDER

Transferred to CA 3 after hold

The above-entitled matter is transferred to the  
Court of Appeal, Third Appellate District, with  
directions to vacate its decision and to  
reconsider the cause in light of *Warrick v.*  
*Superior Court* (2005) 35 Cal.4th 1011, and  
insofar as it may become necessary to reach the  
issue of a district attorney's standing to appear  
on *Pritchess* motion, for reconsideration in light  
of *People v Alford* (2003) 29 Cal.App.4th 1033.  
(Cal. Rules of Court, rule 29.3(d).)

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, and Moreno, JJ.

**S120253**

## BROWN (JOHN G.) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied;  
all claims are denied on the merits.

George, C.J., was recused and did not  
participate.

**S135468**  
E038205 Fourth Appellate District,  
Division Two

THOMAS (PAUL A.) ON H.C.  
Petition for review denied

**S135551**  
F045018 Fifth Appellate District

PEOPLE v. LESLIE  
Petition for review denied

Kennard, J., and Moreno, J., are of the opinion  
the petition should be granted.

**S135559**  
H028951 Sixth Appellate District

CROSS (PLES) ON H.C.  
Petition for review denied

**S135592**  
H028950 Sixth Appellate District

GONZALEZ (EFRAIN) ON H.C.  
Petition for review denied

**S135621**  
A110465 First Appellate District,  
Division Three

PARNELL (ARTHUR) ON H.C.  
Petition for review denied

**S135635**  
B176299 Second Appellate District,  
Division Four

ACOSTA v. SI CORPORATION  
Petition for review denied

**S135641**  
B183676 Second Appellate District,  
Division Five

MOORE (ALVIN) ON H.C.  
Petition for review denied

**S135682**  
B182785 Second Appellate District,  
Division Six

ALEXANDER (TIMOTHY) ON H.C.  
Petition for review denied

**S135683**  
B184236 Second Appellate District,  
Division Seven

MENDOZA (ROBERT) ON H.C.  
Petition for review denied

**S135689**

D043946 Fourth Appellate District,  
D045653 Division One

## PEOPLE v. BRAVO

Petitions for review denied

Kennard, J., is of the opinion the petition should be granted.

**S135690**

G035613 Fourth Appellate District,  
Division Three

## LEMUS (BENJAMIN ROMERO) ON H.C.

Petition for review denied

**S135737**

B184059 Second Appellate District,  
Division One

## WHITE (ROY) ON H.C.

Petition for review denied

**S135748**

B155019 Second Appellate District,  
Division Two

## WATSON LAND COMPANY v. SHELL OIL

Petition for review denied

Baxter, J., was recused and did not participate.

**S135832**

G033319 Fourth Appellate District,  
Division Three

## PEOPLE v. SANDOVAL

Petition for review denied

**S135836**

B174316 Second Appellate District,  
Division Seven

## PEOPLE v. WILMONT

Petition for review denied

**S135846**

C044980 Third Appellate District

## NAGLEE BURK IRRIGATION DISTRICT v.

COSTCO WHOLESALE CORPORATION

Petition for review denied

**S135850**

B179620 Second Appellate District,  
Division Seven

## WILMONT v. S.C. (PEOPLE)

Petition for review denied

**S135873**

B168560 Second Appellate District,  
Division Eight

## PEOPLE v. JONES

Petition for review denied



**S135945**

B175186 Second Appellate District,  
Division Three

LIGHT v. CITY OF HAWTHORNE

Petition for review denied

**S135949**

D043270 Fourth Appellate District,  
Division One

PEOPLE v. OROZCO

Petition for review denied

**S135970**

H027382 Sixth Appellate District

PEOPLE v. MARTINEZ

Petition for review denied

**S135977**

G032153 Fourth Appellate District,  
Division Three

PEOPLE v. TRACHMAN

Petition for review denied

**S135990**

B184188 Second Appellate District,  
Division Two

COHEN v. S.C. (COUNTY OF LOS ANGELES)

Petition for review denied

**S136011**

E035003 Fourth Appellate District,  
Division Two

PEOPLE v. MURPHY

Petition for review denied

**S136015**

B166475 Second Appellate District,  
Division Three

DAIMLERCHRYSLER SERVICES NORTH

AMERICA v. ZURICH AMERICAN INS. (MARSH)

Petition for review denied

**S136016**

G034353 Fourth Appellate District,  
Division Three

PEOPLE v. MARIN

Petition for review denied

**S136018**

H027095 Sixth Appellate District

RASMUSSEN v. RINGCENTRAL

Petition for review denied

**S136028**

H027400 Sixth Appellate District

PEOPLE v. AIKENS

Petition for review denied

**S136036**

D043134 Fourth Appellate District,  
Division One

PEOPLE v. HAYGOOD  
Petition for review denied

**S136061**

G032627 Fourth Appellate District,  
Division Three

PEOPLE v. ARMENDIZO  
Petition for review denied

**S136086**

B179922 Second Appellate District,  
Division Two

JOHNS MANVILLE v. W.C.A.B. (HOWELL)  
Petition for review denied

**S136089**

G034361 Fourth Appellate District,  
Division Three

HODGE v. KIRKPATRICK DEV (STATE FARM)  
Petition for review denied

**S136092**

B171872 Second Appellate District,  
Division Seven

PEOPLE v. WAGNER  
Petition for review denied

**S136101**

F047145 Fifth Appellate District

PEOPLE v. CASTRO  
Petition for review denied

**S136108**

B171719 Second Appellate District,  
Division Six

PEOPLE v. KHODABAKSHIAN  
Petition for review denied

**S136113**

D044991 Fourth Appellate District,  
D045491 Division One

C. (MICHELLE), IN RE  
Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed June 23, 2005, which appears at 131 Cal.App.4th 534. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

**S136123**

B182801 Second Appellate District,  
B184380 Division Two

NACHIAPPAN v. S.C. (TODAY'S IV, INC.)  
Petition for review denied

**S136136**

B182086 Second Appellate District,  
Division One

RELIANCE STEEL & ALUMINUM v. WCAB  
Petition for review denied

Werdegar, J., was recused and did not  
participate.

**S136147**

F045368 Fifth Appellate District

PEOPLE v. FERRIS  
Petition for review denied

**S136159**

B183358 Second Appellate District,  
Division Six

FARMER BROTHERS COFFEE v. W.C.A.B.  
Petition for review denied

**S136167**

B184379 Second Appellate District,  
Division One

ALDEN v. S.C. (CASE FINANCIAL, INC.)  
Petition for review denied

Request for judicial notice denied.

**S136174**

E036488 Fourth Appellate District,  
Division Two

A. (DANIEL), IN RE  
Petition for review denied

**S136207**

H026857 Sixth Appellate District

MICELI v. CALIF DEPT. OF TRANSPORTATION  
Petition for review & publication request denied

**S136209**

D046452 Fourth Appellate District,  
Division One

REICH v. LOZIER  
Petition for review denied

**S136219**

G034477 Fourth Appellate District,  
Division Three

PEOPLE v. CARTER  
Petition for review denied

**S136284**

D044629 Fourth Appellate District,  
Division One

N. (CHRISTOPHER), IN RE  
Petition for review denied

**S136323**

B172324 Second Appellate District,  
Division Six

GONZALES v. MORBARK INC.

Petition for review denied

**S136326**

B174528 Second Appellate District,  
Division Two

PEOPLE v. TOSCANO

Petition for review denied

**S136336**

B176704 Second Appellate District,  
Division Six

PORTER v. THIBEAULT

Petition for review denied

**S136408**

C046346 Third Appellate District

PEOPLE v. CARPENTER

Petition for review denied

**S136443**

A109804 First Appellate District,  
Division Two

CONKLIN v. W.C.A.B. (RUNAWAY TOURS)

Petition for review denied

**S136505**

C048507 Third Appellate District

R. (D.), IN RE

Petition for review denied

**S136515**

G031860 Fourth Appellate District,  
Division Three

HERRON v. HERRON

Petition for review denied

**S136524**

B182771 Second Appellate District,  
Division Five

ORTEGA v. W.C.A.B. (ROYAL SERVICE AIR  
CONDITIONING)

Petition for review denied

**S136532**

H028197 Sixth Appellate District

PEOPLE v. CHESTRA

Petition for review denied

Petition for review denied without prejudice to  
any relief to which defendant might be entitled  
after this court decides *People v. Crandell*,  
S134883.

<b>S136536</b> D045006 Fourth Appellate District, Division One	PEOPLE v. HIGGINS Petition for review denied
<b>S136565</b> B173008 Second Appellate District, Division Seven	LU v. GREWAL Petition for review denied
<b>S136578</b> B175371 Second Appellate District, Division Seven	PAIR v. MAGHAVEM Petition for review denied
<b>S136585</b> F046413 Fifth Appellate District	PEOPLE v. GOMEZ Petition for review denied
<b>S136586</b> C047246 Third Appellate District	PEOPLE v. LOVE Petition for review denied
<b>S136599</b> D042704 Fourth Appellate District, Division One	PEOPLE v. KENNELL Petition for review denied
<b>S136600</b> B173050 Second Appellate District, Division Seven	PEOPLE v. JENKINS Petition for review denied
<b>S136607</b> E035843 Fourth Appellate District, Division Two	PEOPLE v. RAMSEY Petition for review denied
<b>S136629</b> H027078 Sixth Appellate District	PEOPLE v. FIELD Petition for review denied
<b>S136633</b> C047774 Third Appellate District	PEOPLE v. BROWN Petition for review denied
<b>S136636</b> H027730 Sixth Appellate District	PEOPLE v. JIMENEZ Petition for review denied

**S136638**  
B175711 Second Appellate District,  
Division Seven

PEOPLE v. FUENTES  
Petition for review denied

**S136643**  
H029058 Sixth Appellate District

SEFTON v. S.C. (HARTFORD FIRE INSURANCE)  
Petition for review denied

**S136652**  
F046229 Fifth Appellate District

PEOPLE v. RUIZ  
Petition for review denied

**S136656**  
A107672 First Appellate District,  
Division One

PEOPLE v. STEVENS  
Petition for review denied

**S136657**  
A107878 First Appellate District,  
Division Two

PEOPLE v. ROBERSON  
Petition for review denied

**S136659**  
D045637 Fourth Appellate District,  
Division One

PEOPLE v. SILER  
Petition for review denied

**S136665**  
H027645 Sixth Appellate District

PEOPLE v. TOMAS  
Petition for review denied

**S136666**  
F044781 Fifth Appellate District

PEOPLE v. GAFFORD  
Petition for review denied

Baxter, J., was recused and did not participate.

**S136669**  
C047234 Third Appellate District

PEOPLE v. ELLISON  
Petition for review denied

**S136673**  
B176254 Second Appellate District,  
Division Eight

PEOPLE v. GAN  
Petition for review denied

<b>S136675</b> F045640 Fifth Appellate District	PEOPLE v. FAJARDO Petition for review denied
<b>S136676</b> B171903 Second Appellate District, Division Six	PEOPLE v. CHAVEZ Petition for review denied
<b>S136677</b> E034297 Fourth Appellate District, Division Two	PEOPLE v. STONUM Petition for review denied
<b>S136679</b> A108456 First Appellate District, Division Four	PEOPLE v. AHMAD Petition for review denied
<b>S136686</b> B180255 Second Appellate District, Division Three	PEOPLE v. ZAMORA Petition for review denied
<b>S136688</b> F046756 Fifth Appellate District	PEOPLE v. RAMIREZ Petition for review denied
<b>S136689</b> A108541 First Appellate District, Division Four	PEOPLE v. FORD Petition for review denied
<b>S136691</b> B179810 Second Appellate District, Division Six	PEOPLE v. SALAS Petition for review denied
<b>S136699</b> B175695 Second Appellate District, Division Five	PEOPLE v. FRIEDMAN Petition for review denied
<b>S136703</b> D044563 Fourth Appellate District, Division One	PEOPLE v. DEGOLYER Petition for review denied

**S136704**

F048534 Fifth Appellate District

WILBUR-ELLIS COMPANY v. S.C. (CENTRAL  
VALLEY FRESH PRODUCE, INC.

Petition for review denied

**S136705**

C046349 Third Appellate District

PEOPLE v. RATTERMAN

Petition for review denied

**S136711**

H027609 Sixth Appellate District

PEOPLE v. HOWARD

Petition for review denied

**S136713**B184893 Second Appellate District,  
Division Three

WILSON v. S.C. (CENTURY 21)

Petition for review and application for stay denied

**S136714**B174887 Second Appellate District,  
Division Seven

PEOPLE v. SEYMOUR

Petition for review denied

**S136715**B179376 Second Appellate District,  
Division Six

PEOPLE v. VELORIA

Petition for review denied

**S136716**B172100 Second Appellate District,  
Division Seven

PEOPLE v. RUSSELL

Petition for review denied

**S136720**B173242 Second Appellate District,  
Division Three

PEOPLE v. ESTRADA

Petition for review denied

**S136721**B177143 Second Appellate District,  
B179414 Division Three

L. (JORDAN), IN RE

Petition for review denied

**S136722**

C046082 Third Appellate District

PEOPLE v. BRYANT

Petition for review denied



**S136723**

C041733 Third Appellate District

PEOPLE v. LANGLEY

Petition for review denied

**S136728**D044395 Fourth Appellate District,  
Division One

PEOPLE v. POLAND

Petition for review denied

**S136742**G034014 Fourth Appellate District,  
Division ThreeCONCERNED CITIZENS OF LA HABRA v. CITY OF  
HABRA (COSTCO WHOLESALE CORP.)

Petition for review denied

Motion to dismiss petition for review, filed  
September 15, 2005, is denied.  
Petition for review DENIED.

**S136751**B175896 Second Appellate District,  
Division Seven

PEOPLE v. GARCIA

Petition for review denied

**S136778**

H027558 Sixth Appellate District

PEOPLE v. READ

Petition for review denied

**S136804**A107038 First Appellate District,  
Division One

PEOPLE v. CURTIS

Petition for review denied

**S136821**A106079 First Appellate District,  
Division Two

MEAGHER &amp; MALEKI, MARRIAGE OF

Petition for review denied

**S136822**B175651 Second Appellate District,  
Division Six

FLINT v. TUESDAY MORNING, INC.

Petition for review denied

**S136830**

F045417 Fifth Appellate District

PEOPLE v. MEJIA

Petition for review denied

**S136836**

D045632 Fourth Appellate District,  
Division One

A. (HUGO) IN RE

Petition for review denied

**S136839**

C047269 Third Appellate District

PEOPLE v. WISEMAN

Petition for review denied

**S136845**

B179639 Second Appellate District,  
Division Six

PEOPLE v. ALONSO

Petition for review denied

**S136886**

F046315 Fifth Appellate District

PEOPLE v. DOYLE

Petition for review denied

**S137197**

C050491 Third Appellate District

TRICHE-WINSTON v. S.C. (PEOPLE)

Petition for review and application for stay denied

**S137219**

HARVEY v. CA 4/2

Petition for writ of mandate/prohibition denied

**S137528**

B185641 Second Appellate District,  
Division Three

A. (JADE), IN RE

Petition for review and application for stay denied

**S134900**

AHDOM (BILAL) ON H.C.

Petition for writ of habeas corpus denied

**S135707**

B175633 Second Appellate District,  
Division Two

A. (ANGELA), IN RE

Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed May 2, 2005, which appears at 129 Cal.App.4th 912. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

**S136944**

H026546 Sixth Appellate District

## PEOPLE v. JIANG

Depublication ordered

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed June 16, 2005, which appears at 131 Cal.App.4th 1027. (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

The time for granting review on the court's own motion is terminated.

**S132211**A105776 First Appellate District,  
Division FiveCONSTRUCTION INDUSTRY FORCE ACCOUNT  
COUNCIL v. MENDOCINO COAST HEALTH CARE  
Publication request denied (case closed)**S133147**E036543 Fourth Appellate District,  
Division Two

## HUMPHREY v. MAGNUS

Publication request denied (case closed)

**S133170**B172369 Second Appellate District,  
Division TwoINTERNATIONAL COMMERCIAL BANK OF  
CHINA v. L&L (USA), INC.  
Publication request denied (case closed)**S133782**

## GEORGESCU v. ARITA

Publication request denied (case closed)

**S133788**

## GEORGESCU v. ARITA

Publication request denied (case closed)

**S135290**D044385 Fourth Appellate District,  
Division One

## TIMMES v. PUZO

Publication request denied (case closed)

**S136129**

H027237 Sixth Appellate District

## GILBERT v. CITY OF SUNNYVALE

Depublication request denied (case closed)

**S135969**

C043001 Third Appellate District

## PEOPLE v. WEBB

Time extended to grant or deny review

to October 28, 2005

**S136017**B169059 Second Appellate District,  
Division One

## PEOPLE v. JACKSON

Time extended to grant or deny review

to October 28, 2005

**S136057**

H026919 Sixth Appellate District

## PEOPLE v. WILSON

Time extended to grant or deny review

to October 28, 2005

**S136087**A104279 First Appellate District,  
Division Three

## PEOPLE v. HARVEY

Time extended to grant or deny review

to October 31, 2005

**S136177**B176350 Second Appellate District,  
Division One

## BISNO v. SANTA MONICA RENT CONTROL BD.

Time extended to grant or deny review

to November 3, 2005

**S136178**B183355 Second Appellate District,  
Division Three

## PACHECO v. SUPERIOR COURT (PEOPLE)

Time extended to grant or deny review

to November 3, 2005

**S136227**E037015 Second Appellate District,  
Division Four

## PEOPLE v. TRUMAN

Time extended to grant or deny review

to November 4, 2005

**S136237**A100428 First Appellate District,  
Division Five

## PEOPLE v. ROSS

Time extended to grant or deny review

to November 4, 2005

**S136297**

C045429 Third Appellate District

PEOPLE v. SHELMIRE

Time extended to grant or deny review

to November 7, 2005

**S136308**B175050 Second Appellate District,  
Division Six

PEOPLE v. AMBRIZ

Time extended to grant or deny review

to November 9, 2005

**S136468**

H026759 Sixth Appellate District

SILICON VALLEY TAXPAYERS ASSN v. SANTA  
CLARA COUNTY OPEN SPACE AUTHORITY

Time extended to grant or deny review

to November 10, 2005

**S127904**G031636 Fourth Appellate District,  
Division Three

BALBOA ISLAND VILLAGE INN v. LEMEN

Application to appear as counsel pro hac vice granted

**S029843**

PEOPLE v. BECK &amp; CRUZ

Motion for access to sealed record granted

Appellant's "Application for an Order Allowing Undersigned Counsel to Inspect and Copy Transcripts and Documents Sealed for the Benefit of Appellant James David Beck," filed June 9, 2005, is granted. The clerk is directed to provide counsel for appellant with copies of the following sealed materials:

1. Beck's probation report
2. Faulkner's declaration (C.T. XVIIA, C.T. 3996)
3. Attorney fees and costs incurred in the defense of Beck (C.T. IVA, C.T. 873-874, 927-929, 952-953, 1034-1035, 1058-1062)
4. Attorney fees and costs incurred in the defense of Beck (C.T. VA, C.T. 1213-1216, 1312-1313)
5. Attorney fees and costs incurred in the defense of Beck (C.T. VIA, C.T. 1616-1617, 1721-1724)
6. Attorney fees and costs incurred in the

defense of Beck (C.T. VIIA, C.T. 1796-1798)

7. Faulkner's declaration regarding witness travel expenses and superior court order allocating funds therefor (C.T. IXA, C.T. 2424-2425)

8. Request for funding of costs to be incurred in the defense of Beck (Pen. Code, § 987.9) (C.T. XVIA, C.T. 3945-3950)

9. Prospective juror hearing regarding prospective juror's private information (Jo Ann T.) (R.T. of Mar. 23, 1992, 9:35 a.m., pp. 1-3)

10. Prospective juror hearing regarding prospective juror's private information (Steve B.) (R.T. of Mar. 19, 1992, 9:10 a.m. (1 of 2), pp. 1-3)

11. Prospective juror hearing regarding prospective juror's private information (Lester N.) (R.T. of Mar. 19, 1992, 9:10 a.m. (2 of 2), pp. 1-5)

12. Prospective juror hearing regarding prospective juror's private information (Phyllis L.) (R.T. of Mar. 18, 1992, 9:30 a.m. (1 of 3), pp. 2356-2357)

13. Prospective juror hearing regarding prospective juror's private information (Thomas F.) (R.T. of Mar. 18, 1992, 9:30 a.m. (2 of 3), pp. 1-6)

14. Prospective juror hearing regarding prospective juror's private information (Elola H.) (R.T. of Mar. 18, 1992, 9:30 a.m. (3 of 3), pp. 1-3)

15. Prospective juror hearing regarding prospective juror's private information (Carol E.) (R.T. of Mar. 12, 1992, (1 of 2), pp. 1-4)

16. Prospective juror hearing regarding prospective juror's private information (Dawn S.) (R.T. of Mar. 12, 1992, (2 of 2), pp. 1-5)

17. Prospective juror hearing regarding prospective juror's private information (Joyce C.) (R.T. of Mar. 11, 1992, 3:05 p.m., pp. 1-4)

18. Prospective juror hearing regarding prospective juror's private information (Bruce D.) (R.T. of Mar. 10, 1992, pp. 1-4)

19. In-camera proceedings of Feb. 27, 1992, and Mar. 2, 2002 (R.T. 1403-1448)

20. In-camera status hearing (R.T. of Apr.

25, 1991, pp. 1-8)

21. Confidential Penal Code section 987.9 hearing (investigative expenses) (R.T. of May 21, 1992, pp. 1-9)

It is ordered that only counsel for appellant and investigators retained by counsel for appellant may have access to and use the reporter's transcripts of the pretrial hearings of February 27 and March 2, 1992, consisting of R.T. 1403-1448 (with the exception of line 28 of R.T. 1426 and all of R.T. 1427 and 1428, to which line and pages the restrictions enumerated in this paragraph do not apply). Neither the transcripts nor any information contained in them is to be disclosed to appellant or to any other person, except (1) to investigators for appellant and (2) in papers presented to this court. If counsel for appellant wishes to disclose or describe these materials to appellant, or to any other person except (1) investigators for appellant or (2) in papers presented to this court, counsel must apply to this court for permission to do so. To the extent the parties quote, disclose, or describe these materials in any such application or in any other papers presented to this court, those papers must themselves be filed or lodged under seal.

The clerk is directed to keep the foregoing materials under seal.

**S127602**

A085450 First Appellate District,  
A10643 Division Two

PEOPLE v. JOHNSON

Order filed

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Ibarra*, S124067. Submission of further briefing is deferred pending further order of the court.

**S132789**

ALLEGRINO ON DISCIPLINE

Pet/writ of review denied; recommended discipline imposed

Petition for writ of review DENIED.

It is ordered that **ANTHONY J.**

**ALLEGRINO II, State Bar No. 200905**, be

suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for five years, on condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its amended decision filed on January 26, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S134802**

**DRUM ON DISCIPLINE**

Pet/writ of review denied; recommended discipline imposed

Petition for writ of review DENIED.

It is ordered that **JOEL A. DRUM, State Bar No. 92607**, be suspended from the practice of law for five years, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years, with credit for the period of time he was inactively enrolled as a member of the State Bar, and until he pays restitution to Midland Risk Insurance Company (or the Client Security Fund, if appropriate) in the amount of \$9,853, plus ten per cent (10%)



interest per annum from May 1, 1999, and provides satisfactory proof of such payment to the State Bar's Office of Probation, and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by Review Department of the State Bar Court in its opinion filed on April 7, 2005. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S130821**

**MCCOLLUM ON DISCIPLINE**

Request for rehearing of State Bar discipline denied

